

FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 21, 2004

D042571 Santos v. Burgess

The judgment is affirmed. Irion, J.; We Concur: Nares, Acting P.J., McDonald, J.

D044374 In re Branch on Habeas Corpus

The petition is denied.

D041553 People v. McClintock

The judgment is affirmed. McConnell, P.J.; We Concur: McIntyre, J., O'Rourke, J.

D044176 W.K. v. Superior Court of San Diego County/G.W.

The records in this proceeding were sealed by court order because they involve confidential defense strategy in a capital case. (Cal. Rules of Court, rule 12.5.) For the same reasons set forth in this court's order sealing records dated May 6, 2004, we order the writ opinion in this matter sealed. (*James G. v. Superior Court* (2000) 80 Cal.App.4th 275, 177-178, fn.1.) By separate sealed opinion filed this date, we grant the petition for writ of mandate. The mandate record and the opinion filed shall remain sealed until further order of this court.

D044176 W.K. v. Superior Court of San Diego County/G.W.

Petition granted. (Opinion Sealed) Haller, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043410 In re Abygail A. et al., a Juvenile

The orders are affirmed. McIntyre, J.; We Concur: McDonald, Acting P.J., O'Rourke, J.

D043089 In re Kilye M., a Juvenile

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D044410 In re Ramos on Habeas Corpus

The petition is denied.

D044390 In re Gonzalez on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 22, 2004

D042813 Palacin v. Allstate Insurance Company

Judgment is reversed with directions to vacate the order sustaining Allstate's demurrer without leave to amend and to enter a new order sustaining Allstate's demurrer, but giving Palacin leave to amend her complaint to allege that her claimed property damage was not covered by her homeowners association's insurance policy and/or to allege that the items damaged constitute "improvements" within the meaning of the insurance policy (and incorporated CC&R's). Palacin is entitled to recover costs on appeal. CERTIFIED FOR PUBLICATION. Haller, J.; We Concur: Huffman, Acting P.J., Aaron, J.

D044065 In re Patrick James H., a Juvenile

The appeal is dismissed.

D042953 In re Cheyenne F., et al. Juveniles

The judgments are affirmed. Irion, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D044364 Perry v. Superior Court of San Diego County/Cisneros et al.

The petition is denied.

D043898 In re Dailey on Habeas Corpus

The petition is denied.

D044389 Simmons et al. v. Superior Court of San Diego County/CryoLife, Inc.

The petition is denied.

D044499 In re Delander on Habeas Corpus

The petition is denied. The request for appointment of counsel is denied.

D044253 Tomi W. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Wade C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Wade C. is dismissed.

Response to the Petition for Writ of Mandate filed by Tomi W. is due 15 days from the date of this order.

D043546 Cartwright v. City of El Cajon

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D044484 Brannon et al. v. Superior Court of San Diego County/Crippen

At the request of petitioners, the petition for writ of mandate is dismissed.

D044511 Raja v. Superior Court of San Diego County/People

The petition is denied.

D044378 In re Watson on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 23, 2004

D041577 Cattivera v. Wells Fargo Home Mortgage, Inc. et al.

The judgment is affirmed. Each party is to pay its own costs on appeal. Appellant's September 10, 2003 request for judicial notice is denied. O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.

D043629 In re Antonio R. et al., Juveniles

The orders are affirmed. McDonald, J.; We Concur: McConnell, P.J., Benke, J.

D043735 People v. Rogers

The judgment is affirmed. McDonald, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D043482 People v. Vigil

The judgment is affirmed. McIntyre, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D042721 People v. Thornton

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., Aaron, J.

D044419 In re Albritton on Habeas Corpus

The petition is denied.

D044411 Rent-A-Center, Inc. et al. v. Superior Court of San Diego County/Griego et al.

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 24, 2004

D042206 Stevenson v. City of National City et al.

The judgment is affirmed. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D041686 Mills et al. v. First Union National Bank of Maryland et al.

The judgment is reversed as to the eight and ninth causes of action. In all other respects the judgment is affirmed. All parties to bear their own costs on appeal. Irion, J.; We Concur: McConnell, P.J., O'Rourke, J.

D043080 People v. De la Cruz

The judgment is affirmed. O'Rourke, J.; I Concur: McDonald, Acting P.J.; I Concur In Result: McIntyre, J.

D043151 Advanced Cleanup Technologies, Inc. et al. v. Skyhawk Investments, Inc.

The judgment is reversed. The superior court is directed to vacate and set aside the judgment and dismiss the action with prejudice. The remittitur is to issue immediately. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D042593 Pace et al. v. Linsco/Private Ledger Corp.

The order is affirmed. Respondent's request for judicial notice is denied. Costs are awarded to respondent. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D044503 Carlson v. Superior Court of San Diego County/De Anza Harbor Resort and Golf et al.

The petition is denied.

D041980 Summers v. McClanhan

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D042049 Estate of Justice, Deceased

The order is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., McDonald, J.

D041091 Liker et al. v. The Foundation for the Preservation of the Mt. Helix Nature Theater

The judgment is affirmed. McDonald, J.; We Concur: Haller, Acting P.J., Aaron, J.

D043389 In re Julian R. et al., Juveniles

The judgments are affirmed. Nares, Acting P.J., We Concur: McDonald, J., O'Rourke, J.

D042773 Parsons v. 21st Century Insurance Co.

The judgment is affirmed. Each party is to pay its own costs on appeal. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

D043395 People v. Rosier

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., Aaron, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
JUNE 25, 2004

D043334 In re Cheyene F., a Juvenile

The order establishing a guardianship for Cheyene is reversed; the matter is remanded to the trial court for a hearing on that issue. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.

D042720 People v. Jordan

The judgment is affirmed. Benke, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D043589 In re Carl R., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Benke, J.

D041077 Whispering Ridge Homeowners Association v. Chaudry

The request for publication of the opinion is denied.

D042260 Waste Management Inc., et al. v. Superior Court of San Diego County/Guzman de Peralta et al.

The petition for rehearing is denied.

D034927 EDP Asset Investment Co., v. Dupuis

Appellant EDP Asset Investment Co., LLC, has failed to respond to this court's order dated May 21, 2004. The appeals, filed December 10, 1999 and March 29, 2000, are dismissed as abandoned.

D044500 In re Curtis on Habeas Corpus

The petition is denied.

D044420 In re Brown on Habeas Corpus

The petition is denied.

D044418 Monteil v. Superior Court of San Diego County/Greenbaum

The petition is denied.

D043779 Smith etc. v. National Securities Corporation et al.

Upon written request filed by appellant, the appeal filed on January 28, 2004, as to Ladenburg Thalmann & Co. only is dismissed with prejudice and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)) as to Ladenburg Thalmann & Co. only.